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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,125	12/15/2003	Bruce Williams	061270-0876	1954

58898 7590 09/27/2006

LEMPIA IP GROUP, LLC  
223 WEST JACKSON BLVD.  
SUITE 620  
CHICAGO, IL 60606

EXAMINER

GARRETT, ERIKA P

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 09/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/734,125	WILLIAMS ET AL.	
	Examiner	Art Unit	
	Erika Garrett	3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1, 4-9, 24-35, 21-23 is/are pending in the application. *R* 4/22/06.
- 4a) Of the above claim(s) 21-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-9 and 29-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/16/06</u>   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-9 and 29-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Gorgi (6,155,643). Gorgi discloses the use of a seat comprising a backrest (figure 1) having a back support surface and a top portion movably connected to and vertically adjustable relative to a bottom portion, each of the top (8) and bottom (7) portions defining part of the back support surface; a flexible latch (33) on one of the top and bottom portions; notches (22) located in one of the top and bottom portions, wherein the latch is positioned to engage a selected one of the notches to fix the relative vertical position of the top portion to the bottom portion; and release mechanism (the user has to pull the backrest upward, then it will disengage) configured to selectively disengage the latch from the notch. In regards to claim 4, the latch is configured to bend when contacted by a part of the release mechanism. In regards to claim 5, part of the release mechanism includes a wedge (figures 4 and 10) positioned to contact the latch. In regards to claim 6, the release mechanism includes a handle that is selectively movable to disengage the latch from the notch. In regards to claim 7, further comprising an elongate rail (34) connected to the handle and adapted to contact

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the latch and disengage the latch from the notch. In regards to claim 8, the latch is biased toward engagement with one of the notches. In regards to claim 9, the latch is elastically deformed when disengaged from the notch. In regards to claim 29, the latch is bendable and the release mechanism has a rail that is arranged to slide on the backrest into contact with the latch to thereby force the latch to bend and disengage from the notch. In regards to claim 30, the release mechanism includes a handle (13) connected to the rail. In regards to claim 31, the handle is configured to move downward toward a base of the child seat to disengage the latch from the notch. In regards to claim 32, the top portion of the backrest slides in a guide section (9) of the bottom portion. In regards to claim 33, the rail includes a ramped surface (figures 2 and 10) positioned so that when the latch contacts the rail, the latch slides along the ramp to disengage from the notch. In regards to claim 34, further comprising an adjustable backrest (figure 1) having a back support surface and a top portion movably connected to a bottom portion to permit selective adjustment of the top portion vertically upward or downward relative to the bottom portion, each of the top and bottom portions defining part of the back support surface; flexible latch (33) connected to one of the top and bottom portions, the notches (22) corresponding vertically selectable height positions of the top portion relative to the bottom portion, wherein the latch is positioned to engage a selected notch corresponding to a selected height position to fix the top portion relative to the bottom portion; and a release mechanism (when the user pulls the backrest, it will release the latch from the notches to move the backrest up and down) adapted to selectively disengage the latch from the selected notch to enable movement of the latch

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upward or downward to another of the series of notches. In regards to claim 35, the release mechanism is adapted to move into contact with the latch to disengage the latch from the notch.

### ***Response to Arguments***

2. Applicant's arguments filed 7/13/06 have been fully considered but they are not persuasive.

3. In response to applicants argument that Gorgi fails to "*disclose two separate portions adjustable relative to one another*". The applicant attention is drawn to the claim language as it recites the language "*top portion movably connected to and vertically adjustably relative to a bottom portion*". Therefore, the examiner is of the opinion that a portion of (8) and a portion of (7) are considered to be a top and bottom portion as taught by Gorgi.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika Garrett whose telephone number is 571-272-6859. The examiner can normally be reached on Monday-Thursday 8:00a.m. -6:00p.m..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pete Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EG

September 21, 2006

  
**Peter M. Cuomo**  
Supervisory Patent Examiner  
Technology Center 3600